

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FREE SPEECH COALITION, INC. et al.,)	
)	Civil Action No. 2:09-4607
Plaintiffs,)	
)	Judge Michael M. Baylson
v.)	
)	DEFENDANT'S SECOND SET OF
THE HONORABLE ERIC H. HOLDER, JR.,)	REQUESTS FOR PRODUCTION
Attorney General,)	
)	
Defendant.)	

Pursuant to Fed. R. Civ. P. 34, each plaintiff is hereby requested to produce, separately from other plaintiffs (except to the extent a Request asks for documents not specific to plaintiffs or their members), the documents or electronically stored information set forth below, and to provide the requested material -- in html format for website content, in Windows Media Player (.wmv) format for film or video content, in original resolution Jpeg (.jpg) format for still images, or in searchable pdf format for other material -- by the applicable deadline to defendant's undersigned counsel by delivery to 20 Massachusetts Ave., N.W., Room 7124, Washington, D.C. 20530.

The following Requests, like all other Requests thus far served, impose a continuing obligation. In this regard, please remember to respond to Requests for Production Nos. 1 and 2, served with Defendant's First Set of Requests for Production, with respect to Defendant's Second Set of Interrogatories. Each Request set forth below applies to each plaintiff, unless otherwise indicated.

REQUEST NO. 5: For each individual plaintiff: All records that you have created, collected, or compiled from January 1, 1988, to the present pursuant to the requirements of 18 U.S.C. §§ 2257 or 2257A and their implementing regulations, including any copies of

identification documents, visual depictions, URLs, and “uniquely identifying references” as specified in 28 C.F.R. § 75.2(a)(1), attached to or kept together with those records.

For organizational plaintiffs American Society of Media Photographers (“ASMP”) and Free Speech Coalition (“FSC”): All records that fifty members (who have created at least twenty such records each during the specified time period) have created, collected, or compiled from January 1, 2009, to the present pursuant to the requirements of 18 U.S.C. §§ 2257 or 2257A and their implementing regulations, including any copies of identification documents, visual depictions, URLs, and “uniquely identifying references” as specified in 28 C.F.R. § 75.2(a)(1), attached to or kept together with those records

REQUEST NO. 6: For each individual plaintiff: All “model release” or similar forms that you have obtained from individuals appearing in visual depictions of sexually-explicit conduct that you have created from January 1, 1978, to the present, including any copies of identification documents or other information attached to or kept together with these forms.

For organizational plaintiffs ASMP and FSC: All “model release” or similar forms that a member has obtained from individuals appearing in that member’s visual depictions of sexually-explicit conduct that that member has created in the past five years, including any copies of identification documents or other information attached to or kept together with these forms, for 50 different members.

REQUEST NO. 7: For each individual plaintiff: For each format (for example, original hardcopy photograph, copy of a photograph contained in a book or magazine, digital photograph sent through email, digital photograph sent through multimedia messaging service, digital photograph on a website, videotape, DVD, digital video) of visual depiction subject to the

requirements of 18 U.S.C. §§ 2257 or 2257A that you have produced, the most recent twenty unique (in other words, for example, not copies of the same photographs or scenes from the same video) visual depictions that you have produced that include the label required under 18 U.S.C. §§ 2257(e) and/or 2257A(e) and their implementing regulations.

For organizational plaintiffs ASMP and FSC: For each format (for example, original hardcopy photograph, copy of a photograph contained in a book or magazine, digital photograph sent through email, digital photograph sent through multimedia messaging service, digital photograph on a website, videotape, DVD, digital video) of visual depiction subject to the requirements of 18 U.S.C. §§ 2257 or 2257A that your members have produced, twenty unique (in other words, for example, not copies of the same photographs or scenes from the same video) visual depictions that ten different members have produced (thus, a total of twenty for each format, but selected from ten different members for each format) that include the label required under 18 U.S.C. §§ 2257(e) and/or 2257A(e) and their implementing regulations.

REQUEST NO. 8: For organizational plaintiffs ASMP and FSC: All organizational documents that govern or have governed your organization since January 1, 2009, including any charters, articles, bylaws, membership agreement forms, and/or membership registration forms.

REQUEST NO. 9: For organizational plaintiff FSC: All documents (including but not limited to completed membership forms, membership agreements, written or electronic correspondence, and dues statements) created from January 1, 2005, to the present relating to the membership in FSC of each of the following: Diabolic Video, Darkside Entertainment aka Darkside Productions, K-Beech, Wicked Pictures, Filmco, Bacchus Releasing, Pure Play Media, Sunshine Films, Robert Hill Releasing, Legend Video, Shanes' World aka Shane Enterprises, V9

Studios, Gentlemen's Video, and Moonlight Entertainment.

REQUEST NO. 10: For organizational plaintiff FSC: For each purported member identified in Request No. 9, all documents (including but not limited to written or electronic correspondence, or recordings or written summaries of telephone conversations) relating to inspections of those members' premises and/or records conducted under 18 U.S.C. § 2257.

REQUEST NO. 11: All documents containing information about the quantity of visual depictions in any of the categories described in Interrogatory No. 2 of Plaintiffs' First Set of Interrogatories; in any categories identified in any plaintiff's response to Interrogatory No. 17 of Defendant's Second Set of Interrogatories; or in any other category as to which Plaintiffs contend 18 U.S.C. §§ 2257 and/or 2257A and their implementing regulations may or may not constitutionally apply consistent with the First Amendment's intermediate scrutiny test (without regard to any other basis on which Plaintiffs may contend an application is unconstitutional).

REQUEST NO. 12: All tax returns from the past five years.

December 19, 2012

Respectfully submitted,

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